

**BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
MARCH 4, 2008**

CALL TO ORDER	<p>A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present were Mark Hash, and Craig Wagner, and Gina Klempel. Scott Hollinger had an excused absence. Tony Sagami was absent. Eric Giles, Alex Hogle, Andrew Hagemeyer and BJ Grieve represented the Flathead County Planning & Zoning Office.</p> <p>There were approximately 4 people in the audience.</p>
APPROVAL OF MINUTES	<p>Klempel made a motion seconded by Wagner to approve the February 5, 2008 meeting minutes.</p> <p>The motion was carried by quorum.</p>
ELECTION OF OFFICERS	<p>Wager made a motion seconded by Klempel to postpone the election of officers until the next regular meeting.</p> <p>The motion was carried by quorum.</p>
PUBLIC REVIEW	<p>Hash reviewed the public hearing process.</p>
PUBLIC COMMENT <i>(not related to agenda items)</i>	<p>None.</p>
BLUE DOG INVESTMENTS c/o MAGADINNO (FZV 08-01)	<p>A request by Joseph Magaddino, for a Zoning Variance to property within the Bigfork, CVR (Commercial Village Resort), Zoning District. The applicant is requesting a variance to Section 3.26.040 (7) of the Flathead County Zoning Regulations; they wish to omit the requirement for on-site parking in downtown Bigfork. The property is located at 475 Electric Avenue.</p> <p><u>Wagner made a motion seconded by Klempel to approve the applicant's request to move this item to next month's meeting.</u></p> <p><u>The motion was carried by quorum.</u></p>
PERFORMANCE REAL ESTATE (FCU 08-01)	<p>A request by Performance Real Estate, for a Conditional Use Permit to operate a coffee house and accessory apartments on the same tract of land within the Evergreen, B-2 (General Business) Zoning District. The property is located at 1501 Highway 35 East.</p>
STAFF REPORT	<p>Andrew Hagemeyer reviewed staff report FCU 08-01 for the Board.</p>

BOARD QUESTIONS	Wagner asked about traffic.
APPLICANT	Not present.
AGENCIES	None.
PUBLIC COMMENT	None.
STAFF REBUTTAL	None.
APPLICANT REBUTTAL	None.
BOARD DISCUSSION	<p>Wagner pointed out there wasn't a staff recommendation.</p> <p>Hash asked why there wasn't a recommendation.</p> <p>Hagemeier said it had to do with access. They have to get Montana Department of Transportation (MDT) approval.</p> <p>Klempel asked about parking and access.</p> <p>Wagner discussed ingress and egress.</p>
MOTION	Klempel made a motion seconded by Wagner to deny FCU 08-01.
ROLL CALL	On a roll call vote the motion passed unanimously.
CALAWAY/ WHITAKER (FCU 08-02)	A request by Tim & Sherrie Calaway and Richard & Nancy Whitaker, for a Conditional Use Permit to construct and operate an indoor tennis, gymnastics and community center within the Bigfork, SAG-5 (Suburban Agricultural) Zoning District. The property is located at 141 MT Highway 83 and contains approximately 10 acres. The applicants would develop the west 5 acres only at this time.
STAFF REPORT	Alex Hogle presented staff report FCU-08-02 to the Board.
BOARD QUESTIONS	None.
APPLICANT	Lee Peters, 7987-B Hwy 35 in Bigfork. He said the square footage of the building is 40,900. He pointed out the floor plan and where the different facilities would be located within the building. He talked about access and believes traffic would be reasonably dispersed. They are meeting with the Bigfork Water & Sewer District on March 12 th ;

their regular meeting day. He said are working with them as much as possible but they are slightly out of the district, which makes the fees rather high. They are considering developing a well engineered septic system as an alternative. He discussed parking spaces and said they would deal with dust issues. He asked the Board for approval of this project requiring only the Highway 83 access, which he believes would more than satisfy the traffic requirement.

AGENCIES

None.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

Hogle talked about the request for gravel vs. paving. When he prepared the staff report that information was not presented. He received a phone call today regarding leniency for the paving requirement. He talked about access and easements.

Hash asked if he was addressing the paving issue or the access issue.

Hogle said both. He said one access off Highway 83 would minimize cost and would be required to adhere to county standards. The county isn't in the habit of creating new gravel roads; this would be contrary to county policy. There are numerous examples around the valley demonstrating problems with dust and air quality standards. The county is currently under pressure to take measures to reduce dust. In terms of the agreement with the water & sewer district, if a waiver was attained staff would lean towards requiring paving of the project road as proposed in the application.

Hash asked if his only reason was monetary.

Hogle said the concept of partial paving is new and wasn't integrated into the staff report. Staff likes the idea of paving.

Hash asked if the Board understood what was being talked about.

The Board and staff continued to discuss roads/paving and public, health, and safety issues.

**APPLICANT
REBUTTAL**

None.

**BOARD
DISCUSSION**

Wagner asked if there have been any soil studies done.

Lee Peters said that information could be provided as early as next week.

Wagner said that's a very sandy area.

Peters agreed.

Danny Sebo, said if they aren't able to tie in to Bigfork Water & Sewer they would do a septic system. He said in that case perk tests may be relatively irrelevant.

Klempel asked the applicants about their entrance from Highway 35.

Peters said an easement would have to be granted.

Sebo said the access on Highway 83 would be simpler.

Hash asked if the applicant wanted to provide any additional information.

Sebo asked at what point a road becomes a driveway in regard to paving. He asked if a road stops as it crossed the property boundary.

Grieve said the reasons projects such as this are conditional use permits as so they have public review for public health, welfare, and safety.

Hash asked if the Board is limiting this to one access.

Hogle said his opinion is to leave the application as applied. He said both accesses would be required to meet standards.

Hash asked about condition #9.

Hogle and the Board further discussed access.

Hash asked about the color scheme and glare.

Hogle said the application states the colors will be earth tones. The only thing you will be able to see from Highway 35 is the roof and there will be substantial landscaping.

Hash asked the applicant if they would be ok with a condition about glare.

MOTION

Wagner made a motion seconded by Klempel to approve conditional use permit FCU 08-02 with the addition of a condition to address "no glare" siding.

ROLL CALL

On a roll call vote the motion passed unanimously.

**ALLTEL COMM.
(FCU 08-03)**

A request by Denise Cardinal on behalf of Alltel Communications, for a Conditional Use Permit to construct a telecommunication tower within the Evergreen, SAG-10 (Suburban Agricultural), Zoning District. The applicant is proposing a cellular telecommunication tower and an unmanned equipment building on a 50' X 50' leased area on approximately 10 acres. The property is located at 2006 Whitefish Stage Road.

STAFF REPORT

BJ Grieve reviewed Staff Report FCU-08-03 for the Board.

APPLICANT

Scott Carlson, 309 1st Avenue East, represented Denise Cardinal. He explained a little bit about cell phone technology and why these towers are necessary. He said the original request was for a 100-ft tower and it was restricted to 92 feet. He said the extra 8 feet really does matter in terms of technology. He said the demand for cell usage is going to become very critical because of development at the north end of town. He said power is accessible on this site. Road use is minimal. He talked about aesthetics and said the applicants are willing to paint it accordingly.

They have packages in regard to painting. Sky blue is probably going to be an appropriate color.

AGENCIES

None.

**PUBLIC
COMMENT**

None.

**APPLICANT
REBUTAL**

STAFF REBUTAL

Grieve said he spoke with Denise about the height issue and further explained the technical aspect and the options Alltel had to work with.

**BOARD
DISCUSSION**

Klempel asked about satellite technology and if there will be a point of having less cell towers.

Carlson talked about satellite technology and said it's fairly expensive. He has heard that some providers have made advances toward satellite technology and said Airtel is only satellite service provider in the area. He said Alltel is working on getting more towers in the area to provide better coverage.

Klempel asked about co-locating receivers.

Carlson said monopoles are designed to accommodate sublets from other carriers. This is one way to minimize the number of poles.

Hash said he wanted to put a condition, on these types of applications, so the applicants would have to share the monopoles with other

carriers.

Grieve said Denise Cardinal proved there was substantial need in this area for a pole and that she had made attempts to contact other carriers.

Carlson said that's a valid issue that would have to be pursued through the planning board.

Hash mentioned condition #11, and liked that the bulbs would be hidden. He would like something of this nature to be added to future language. He talked about security lighting and said he would like to not include that.

Grieve said there seems to be enough lighting in the Easthaven Church parking lot and isn't concerned about additional security lighting.

Carlson said the poles are surrounded by security fencing.

Klempel mentioned her issue with lighting in regard to cell towers. She would like to see some sort of motion sensor lighting for plane safety.

Carlson said Alltel had contacted FAA for their requirements. He said surrounding residential neighbors would rather not know the tower was there.

MOTION

Klempel made a motion seconded by Wagner to approve conditional use permit FCU 08-03.

ROLL CALL

On a roll call vote the motion passed unanimously.

OLD BUSINESS

Grieve talked about motions and said the findings need to be very clearly stated and there should be separate motions.

NEW BUSINESS

None.

ADJOURNMENT

The meeting was adjourned at 8:15 p.m. on a motion by Hash seconded by Klempel. The next meeting will be held at 6:00 p.m. on April 1, 2008.

Scott Hollinger, President

Jill Goodnough, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 5/6/08